

JHS CIVIL COVER SHEET

Case 2:15-cv-05604 JHS Document 1 Filed 10/14/15 Page 1 of 30
K W 5604
15 5604

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Thomas Edwards

(b) County of Residence of First Listed Plaintiff Montgomery County, PA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Vicki Piontek, Esq.
951 Allentown, Rd.
Lansdale, PA 19446

DEFENDANTS

Chex Systems, Inc., and X, Y, Z Corporations

County of Residence of First Listed Defendant Woodbury, MN

NOTE: (IN U.S. PLAINTIFF CASES ONLY)
IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Thomas F. Lucchesi, Esq. - Counsel for Chex Systems, Inc.
Marshall Dennehey Warner Coleman & Goggins, P.C.
2000 Market Street, Suite 2300
Philadelphia, PA 19103
215-575-4564

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/ Disabilities Employment <input type="checkbox"/> 446 Amer. w/ Disabilities Other <input type="checkbox"/> 448 Education	PRIORER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
				FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | |
|--|--|--|---|--|---|
| <input type="checkbox"/> 1 Original Proceeding | <input checked="" type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation |
|--|--|--|---|--|---|

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. 1692, et seq.

Brief description of cause:
Fair Debt Collection Practices Act**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

OCT 14 2015

S.T.

DATE SIGNATURE OF ATTORNEY OF RECORD

10/14/2015

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

JHS

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

15

5604

DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff Thomas Edwards c/o Vicki Piontek, Esquire – 951 Allentown Rd., Lansdale, PA 19446

Address of Defendant CheX Systems, Inc. c/o Thomas F. Lucchesi, Esquire – 2000 Market Street, Ste. 2300, Philadelphia, PA 19103

Place of Accident, Incident or Transaction Montgomery County, Pennsylvania

(Use Reverse Side for Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 8.1(a))

Yes No

Does this case involve multidistrict litigation possibilities?

Yes No

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier number case pending or within one year previously terminated action in this court? Yes No

CIVIL: (Place ✓ in ONE CATEGORY ONLY)

A. *Federal Question Cases:*

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. All other Federal Question Cases

(Please specify) Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq.

B. *Diversity Jurisdiction Cases*

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify)
7. Products Liability
8. Products Liability – Asbestos
9. All other Diversity Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

counsel of record do hereby certify:

I, _____ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE October 14, 2015

Thomas F. Lucchesi, Esquire

313126

Attorney-at-Law

Attorney I.D. #

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE _____

OCT 14 2015

JHS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

THOMAS EDWARDS

: CIVIL ACTION

v.

:

15 5604

:

CHEX SYSTEMS, INC., AND X, Y, Z
CORPORATIONS : NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus-Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security-Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration-Cases require to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos-Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management-Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management--Cases that do not fall into any one of the other tracks. (X)

October 14, 2015

Date

Thomas F. Lucchesi, Esq.

Attorney-at-law

Defendant,
Chex Systems, Inc.

Attorney for

(215) 575-4564

Telephone

(215) 575-0856

FAX Number

tflucchesi@mdwcg.com

E-Mail Address

OCT 14 2015

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

THOMAS EDWARDS	:	CIVIL ACTION	
v.	:	15	0604
	:		
CHEX SYSTEMS, INC., AND X, Y, Z	:	NO.	
CORPORATIONS			

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

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- (f) Standard Management--Cases that do not fall into any one of the other tracks. (X)

<u>October 14, 2015</u>	<u>Thomas F. Lucchesi, Esq.</u>	<u>Defendant,</u>
Date	Attorney-at-law	<u>CheX Systems, Inc.</u>

<u>(215) 575-4564</u>	<u>(215) 575-0856</u>	<u>tflucchesi@mdwgc.com</u>
Telephone	FAX Number	E-Mail Address

1400
JHS

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THOMAS EDWARDS,

Plaintiff,
vs.

CHEX SYSTEMS, INC., AND X, Y, Z
CORPORATIONS,

Defendant.

Civil Action No.

15 5604

NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. § 1441(b) and 28 U.S.C. § 1331, Defendant, Chex Systems, Inc. (hereafter "CHEX") by and through its counsel, Marshall Dennehey Warner Coleman & Goggin, P.C., hereby removes the action captioned as Thomas Edwards v. Chex Systems, Inc., and Chex X, Y, Z Corporations, as filed in the Court of Common Pleas for Montgomery County, Pennsylvania ("the Action"), to the United States District Court for the Eastern District of Pennsylvania, based upon the following:

1. On or about August 16, 2015 Plaintiff filed the Action in the Court of Common Pleas for Montgomery County, Pennsylvania. A true and correct copy of Plaintiff's Complaint in the Action is attached hereto as Exhibit "A."
2. Chex first received notice of the Action on September 14, 2015, when it was served with Plaintiff's Complaint.
3. Based on the foregoing, Chex has timely filed this Notice of Removal within thirty days of being served with the Complaint and within

thirty days of the date that the Action was first removable. See 28 U.S.C. § 1446(b).

4. The Action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by Chex pursuant to the provisions of 28 U.S.C. § 1441(b), in that Plaintiff has alleged that Chex violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*, ("FDCPA") thereby asserting claims that arise under federal law.

5. In that the causes of action alleged by the Plaintiff arise from the performance of obligations of the parties within Montgomery County, Pennsylvania, the United States District Court for the Eastern District of Pennsylvania should be assigned the Action.

6. Pursuant to 28 U.S.C. § 1446(d), Chex will file a copy of this Notice of Removal with the Clerk of the United States District Court for the Eastern District of Pennsylvania, will serve Plaintiff with a copy of this Notice of Removal and will file the Notice of Removal in the Montgomery County Court of Common Pleas.

WHEREFORE, Defendant, Chex Systems, Inc. notifies this Court that this cause is removed from the Court of Common Pleas for Montgomery County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania pursuant to the provisions of 28 U.S.C. §§1331, and 1446.

Respectfully submitted,

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN, P.C.**

By:



THOMAS F. LUCCHESI
2000 Market Street, Suite 2300
Philadelphia, PA 19103
(215) 575-4564 / (215) 575-0856 (f)
tflucchesi@mdwcg.com
Attorneys for Defendant
Chex Systems, Inc.

Dated: October 14, 2015

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THOMAS EDWARDS,

Plaintiff,

vs.

**CHEX SYSTEMS, INC., AND X, Y, Z
CORPORATIONS,**

Defendant.

Civil Action No.

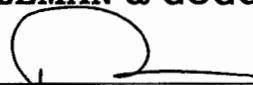
CERTIFICATE OF SERVICE

I, Thomas F. Lucchesi, Esq., do hereby certify that a true and correct copy of Defendant Chex Systems, Inc.'s **Notice of Removal** was served upon the below-listed counsel for Plaintiff via U.S. mail on October 14, 2015:

Vicki Piontek, Esq.
951 Allentown Rd.
Lansdale, PA 19446

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN, P.C.**

By: _____



THOMAS F. LUCCHESI
Attorneys for Defendant
Chex Systems, Inc.

EXHIBIT "A"

In the Court of Common Pleas
Of Montgomery County, Pennsylvania
Civil action - Law

Thomas Edwards :
82 Bern Court :
Pottstown, PA 19465 :
Plaintiff :
v. : 2015-22282
Chex Systems, Inc. :
7805 Hudson Road, Suite 100 :
Woodbury, MN, 55125 : Jury Trial Demanded
and :
X,Y,Z Corporations :
Defendant(s) :

COMPLAINT

1. This is an action brought by a consumer for violation of alleged violations of the Fair Credit Reporting Act (FCRA), 15 USC 1681 et. Seq.
2. Plaintiff is Thomas Edwards, an adult individual, with a mailing address 82 Bern Court, Pottstown, PA 19465.
3. Defendants is Chex Systems, Inc., a business entity with a place of business located at 7805 Hudson Road, Suite 100, Woodbury, MN, 55125.

JURISDICTION AND VENUE

4. The previous paragraphs of this complaint are incorporated by reference and made a part hereof.
5. Jurisdiction and venue are proper because a substantial portion of the transactions, occurrences or omissions took place in this jurisdiction.
6. Jurisdiction and venue are proper because Defendant regularly transacts business in this jurisdiction and avails itself of the market place in this jurisdiction.
7. Jurisdiction and venue are proper in this jurisdiction because witnesses may be located in this jurisdiction.
8. Jurisdiction and venue are proper in this jurisdiction because the Plaintiff resides in this jurisdiction.

**COUNT ONE: Violation of the Fair Credit Reporting Act
and the Fair and Accurate Credit Transaction Act,
15 USC 1681 et. seq.**

9. All previous paragraphs of this complaint are incorporated by reference and made a part of this complaint.
10. At all times mentioned herein Plaintiff was a consumer as defined by 15 USC 1681a et. seq.
11. At all times mentioned herein Plaintiff was a person as defined by 15 USC 1681a (c).
12. At all times mentioned herein Plaintiff was an individual as defined by 15 USC 1681a (c).
13. At all times mentioned in this Complaint, Defendant(s) maintained a "consumer report" on Plaintiff as defined by 15 USC 1681a(d) et. seq.
14. At all times mentioned in this Complaint, Defendant(s) was a "consumer Reporting Agency" (CRA) as defined by 15 USC 1681a(f) et. seq.
15. At all times mentioned in this Complaint, Defendant(s) was a "person" as defined by 15 USC 1681a(f) et. seq.
16. Prior to the commencement of this action, Plaintiff contacted Defendant(s) in writing and requested a copy of the information contained in Plaintiff's Chex Systems, Inc. consumer report.
17. Defendant(s) did provide Plaintiff with a free annual copy of Plaintiff's consumer report.

18. The consumer report provided to Plaintiff by Defendant(s) contained the names and addresses of certain business entities that had accessed Plaintiff's consumer report in the last 12 months.
19. Not all of the telephone numbers for the entities that had accessed Plaintiff's consumer report were disclosed to Plaintiff on Plaintiff's consumer report.
20. According to 15 USC 1681g(a), a CRA is required to disclose to the consumer the names of all persons or business entities that accessed the consumer's report within the last 12 months of the date of the report.
21. In addition to the requirement to disclose the names of all persons or business entities that accessed the consumer's report, the consumer reporting agency is also required to provide the telephone number for the persons or business entities that accessed the consumer's report in the last 12 months, upon written request of the consumer to disclose such telephone number(s), pursuant to 15 USC 1681g(a)(3).
22. A particular business entity entitled "First Niagara Bank National Association" accessed Plaintiff's Chex Systems, Inc. consumer report from Defendant(s) on or about 3/30/2015
23. Plaintiff requested the telephone numbers First Niagara Bank National Association which had accessed Plaintiff's consumer report in the last 12 months from the date of the request(s). See attached exhibits.

24. Plaintiff's request(s) for the telephone numbers for First Niagara Bank National Association were in writing. See attached exhibits.
25. Plaintiff's requests for the telephone number for First Niagara Bank National Association are detailed in the attached exhibits.
26. Defendant(s) received Plaintiff's written request(s) for First Niagara Bank National Association. See attached exhibits.
27. Defendant(s) refused to disclose to Plaintiff's the telephone numbers for First Niagara Bank National Association. See attached exhibits.
28. By refusing to disclose to Plaintiff's the telephone numbers for First Niagara Bank National Association Defendant(s) violated 15 USC 1681g(a)(3).
29. It is believed and averred that Defendant(s)' failure to provide such telephone information was willful for reasons including but not limited to the following.
 - a. The number of requests for telephone numbers that Plaintiff made to Defendant.
 - b. The number of times Defendant(s) ignored Plaintiff's requests.
 - c. The number of similarly situated consumers whose rights were also violated under 15 USC 1581g in a similar manner to Plaintiff.

- d. It is believed and averred that Defendant(s)' acts and omissions were caused by standard business practices antithetical to Defendant(s)' duties under 15 USC 1681g et. seq.
- 30. Defendant(s) is liable for the acts committed by its agents under the doctrine of respondeat superior because Defendant's agents were acting within the scope of their employment with Defendant.
- 31. In the alternative, Defendant(s) is liable for the conduct of its agents / employees under the theory of joint and several liability because Defendant and its agents / employees were engaged in a joint venture and were acting jointly and in concert.
- 32. Any mistake made by Defendant(s) would have included a mistake of law.
- 33. Any mistake made by Defendant(s) would not have been a reasonable or bona fide mistake.

LIABILITY AND DAMAGES

34. The previous paragraphs of this complaint are incorporated by reference.
35. At all times various employees and / or agents of Defendant(s) were acting as agents of Defendant(s), and therefore Defendant(s) is liable to for the acts committed by its agents and / or employees under the doctrine of respondeat superior.
36. At all times various employees and / or agents of Defendant(s) were acting jointly and in concert with Defendant(s), and Defendant(s) is liable for the acts of such employees and / or agents under the theory of joint and several liability because Defendant(s) and its agents were engaged in a common business venture and were acting jointly and in concert.
37. Plaintiff's actual damages are \$1.00 more or less, including but not limited to postage, stationary, fax, gas, mileage, etc.
38. Plaintiff believes and avers that the violation(s) of the FCRA described in this Complaint was / were willful, as exemplified by the following.
 - a. Defendant(s)' aforementioned acts and omissions were caused by Defendant(s)' standard business practices and policies antithetical to Defendant(s) duties under 15 USC 1681e and 15 USC 1681g et. seq. to

LIABILITY AND DAMAGES

34. The previous paragraphs of this complaint are incorporated by reference.
35. At all times various employees and / or agents of Defendant(s) were acting as agents of Defendant(s), and therefore Defendant(s) is liable to for the acts committed by its agents and / or employees under the doctrine of respondeat superior.
36. At all times various employees and / or agents of Defendant(s) were acting jointly and in concert with Defendant(s), and Defendant(s) is liable for the acts of such employees and / or agents under the theory of joint and several liability because Defendant(s) and its agents were engaged in a common business venture and were acting jointly and in concert.
37. Plaintiff's actual damages are \$1.00 more or less, including but not limited to postage, stationary, fax, gas, mileage, etc.
38. Plaintiff believes and avers that the violation(s) of the FCRA described in this Complaint was / were willful, as exemplified by the following.
 - a. Defendant(s)' aforementioned acts and omissions were caused by Defendant(s)' standard business practices and policies antithetical to Defendant(s) duties under 15 USC 1681e and 15 USC 1681g et. seq. to

disclose information about the telephone numbers for the entities that accessed a consumer's report.

39. Because of the willful nature of the violations described in this Complaint, Plaintiff believes and avers Plaintiff is entitled \$1,000.00 statutory damages under 15 USC 1681 et. seq. per violation, or other amount in this Honorable Court's discretion.
40. Plaintiff suffered some distress and anger as a result of Defendant(s) law-breaking, money-making illegal conduct.
41. The value of Plaintiff's emotional distress shall be proven at trial.
42. Because Defendant(s) act and omissions were willful, Plaintiff believes and avers that punitive damages are warranted.
43. Plaintiff believes and avers that punitive damages should be awarded to Plaintiff in the amount of no less than \$9,000, or other amount determined by this Honorable Court.

ATTORNEY FEES

44. The previous paragraphs of this Complaint are incorporated by reference and made a part of this Complaint.

45. Plaintiff believes and avers that Plaintiff is entitled to attorney fees of \$1,750.00 at a rate of \$350.00 per hour, described below.

- | | |
|---|---|
| a. Consultation with Client and drafting dispute letters | 1 |
| b. Drafting, editing, review, filing and service of complaint and related documents | 2 |
| c. Follow up correspondence with Defense | 2 |

Total = 5	\$1,750
-----------	---------

46. The above referenced attorney fees are a reasonable estimate of the hours spent to date as well as necessary follow up.

47. Plaintiff's attorney fees continue to accrue as the case moves forward.

OTHER RELIEF

48. The previous paragraphs of this Complaint are incorporated by reference and made a part of this Complaint.
49. Plaintiff seeks an order from this Honorable Court Directing Defendant(s) to cease reporting the disputed account.
50. Plaintiff requests / demands a jury trial in this matter.
51. Plaintiff believes and avers that Plaintiff should be entitled to the filing fee for prosecuting this action.
52. Plaintiff believes and avers that Plaintiff should be entitled to administrative costs for prosecuting this action.
53. Plaintiff requests such other relief as this Honorable Court may deem just and proper.

Wherefore, Plaintiff demands judgment against Defendant(s) in the amount of \$11,751.00 enumerated below.

\$1.00 actual damages

\$1,000.00 statutory damages for Count One

\$1,750.00 attorney fees

\$9,000.00 punitive damages

\$11,751

Plaintiff also seeks the filing fee and administrative costs. Plaintiff also seeks such other relief as this Honorable Court deems fair and just.

/s/ Vicki Piontek

8/16/2015

Vicki Piontek, Esquire
Attorney for Plaintiff
951 Allentown Road
Lansdale, PA 19446
877-737-8617
Fax: 866-408-6735
palaw@justice.com

Date

In the Court of Common Pleas
Of Montgomery County, Pennsylvania
Civil action - Law

Tom Edwards :
82 Bern Court :
Pottstown, PA 19465 :
Plaintiff :
v. : 2014-26013
Chex Systems, Inc. :
7805 Hudson Road, Suite 100 :
Woodbury, MN, 55125 : Jury Trial Demanded
and :
X,Y,Z Corporations :
Defendant(s) :

VERIFICATION

I, Tom Edwards , verify that the statements contained in the complaint are true and correct to the best of my knowledge, understanding and belief.

Tom Edwards 4 August, '15
Tom Edwards Date

EXHIBITS

Thomas C. Edwards
322 Center School Road
Perkasie, PA 18944
310 [REDACTED]

Chex Systems, Inc.
Attention: Consumer Relations
7805 Hudson Road, Suite 100
Woodbury, MN 55125

Re. Thomas C. Edwards SSN: [REDACTED] DOB: [REDACTED]

Request for Telephone Number of First Niagara Bank, National Association

To Whom it May Concern:

Recently I received a copy of my ChexSystems consumer report. First Niagara Bank, National Association made an inquiry of my report. They received my ChexSystems report on 3/30/2015. See attached excerpt from my report showing this inquiry.

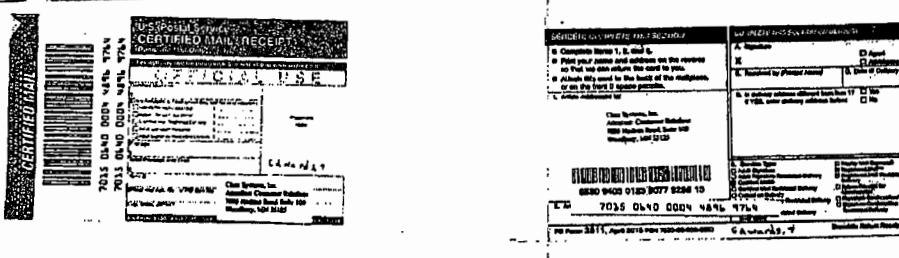
My consumer report does not show the telephone number for First Niagara Bank, National Association. I would like to request the telephone numbers for First Niagara Bank, National Association

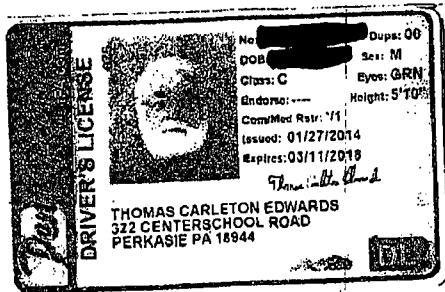
Enclosed please find a copy of my photo ID to prove my identity.

Thank you.

Sincerely,

Thomas C. Edwards 21 June, '15
Thomas C. Edwards Date





Woodbury, MN 55125
800.513.7125



June 9, 2015

1238
THOMAS C EDWARDS
322 CENTER SCHOOL RD
PERKASIE, PA 18944

This report was prepared for THOMAS C EDWARDS

Consumer ID: [REDACTED] for THOMAS C EDWARDS
Please provide your Consumer ID number, along with your Social Security number, in any future contact with ChexSystems.

Personal Information

This section displays the names, date of birth and addresses associated with your ChexSystems consumer file.

Date of Birth: [REDACTED]

Names:
THOMAS C EDWARDS

THOMAS CARLETON EDWARDS

Addresses:
322 CENTER SCHOOL RD
PERKASIE, PA 18944-4017

Reported Information

Reported information refers to reports of accounts that have been mishandled, reported for cause and/or outstanding debts. Reported information is submitted directly to ChexSystems by members of our service which consists mainly of financial institutions. Our current practice is to retain this information for a period of five years.

No Information Found

Inquiries Initiated By Consumer Action

Inquiries Initiated By Consumer Action refers to inquiries resulting from a transaction initiated by you. These include applying for a credit card or completing an application at a financial institution. Please note that the inquiries are part of your credit history and may be included in our reports to others. These inquiries can be viewed for ninety days up to three years.

Inquirer: FIRST NIAGARA BANK NATIONAL ASSN
440 W LINFIELD-TRAPPE RD
ROYERSFORD, PA 19488
Telephone Number Not Available

Inquiry Date: 03/30/2015

SSN/ID Provider: XXX-XZ [REDACTED]



Reply ID: 14885578-303225

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001409

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Consumer Relations
7805 Hudson Rd Suite 100
Woodbury, MN 55125
800.513.7125

B4914182



June 29, 2015

195

THOMAS C EDWARDS
322 CENTER SCHOOL RD
PERKASIE, PA 18944

RE: Consumer ID [REDACTED] for THOMAS C EDWARDS

Dear THOMAS C EDWARDS:

This letter is in response to your recent communication regarding information contained in your consumer file at ChexSystems.

Your correspondence included a request for the telephone numbers of specific financial institutions listed on your consumer disclosure report. Please be informed that we are unable to provide you with the telephone number for First Niagara Bank, National ASSN as this information has not been provided to us by the financial institution.

Enclosed is a copy of the information currently contained in your consumer file at ChexSystems. This report is based on the identifiers you have provided to us.

If you have any questions please visit our website at www.consumerdebit.com to review the answers to frequently asked questions. You may also contact us at the address or telephone number listed above in our letterhead or by fax at 602-659-2197.

In any future contact with us, please include your Social Security number and Consumer ID.

Sincerely,

Consumer Relations
Chex Systems, Inc.

[REDACTED]
[REDACTED]
Reply ID: 14914182-303279

000001 of 000008

000234

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Thomas C. Edwards
322 Center School Road
Perkasie, PA 18944
310-[REDACTED]

Chex Systems, Inc.
Attention: Consumer Relations
7805 Hudson Road, Suite 100
Woodbury, MN 55125

Re. Thomas C. Edwards SSN: [REDACTED] DOB: [REDACTED]

Request for Telephone Number of First Niagara Bank, National Association

To Whom it May Concern:

Recently I received a copy of my ChexSystems consumer report. First Niagara Bank, National Association made an inquiry of my report. They received my ChexSystems report on 3/30/2015. See attached excerpt from my report showing this inquiry.

My consumer report does not show the telephone number for First Niagara Bank, National Association. I would like to request the telephone numbers for First Niagara Bank, National Association

Enclosed please find a copy of my photo ID to prove my identity.

Thank you.

Sincerely,

Thomas C. Edwards 8/12/15
Thomas C. Edwards

